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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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JUN 18 1997

In the Matter of

Amendment of Section 2.106 of the  
Commission's Rules to Allocate  
Spectrum at 2 GHz for Use by the  
Mobile-Satellite Service.

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ET Docket No. 95-18  
RM-7927  
PP-28

Federal Communications Commission  
Office of Secretary

To: The Commission

**COMMENTS**

In the above-captioned First Report and Order and Further Notice of Proposed Rulemaking ("Further NPRM"), the Commission allocated 70 MHz in the 1990-2025 MHz and 2165-2200 MHz bands to the Mobile-Satellite Service ("MSS"), effective January 1, 2000.<sup>1</sup> To accommodate this new allocation, the Commission: (i) reallocated the Broadcast Auxiliary Service ("BAS") to the 2025-2130 MHz band and required MSS operators to pay BAS operator relocation costs, including the costs of clearing fixed point-to-point microwave service ("FS") licensees from the 2110-2130 MHz portion of the new BAS band; and (ii) provided for FS/MSS sharing of the 2165-2200 MHz band, if possible, and for MSS operators to relocate FS users to the bands above 5 GHz if such sharing is not feasible.<sup>2</sup> The Commission, in the Further NPRM, proposes requirements for ensuring that relocated FS users are fully compensated and are provided comparable facilities.<sup>3</sup>

As set forth herein, the relocation of FS licensees is necessary because they cannot share with either MSS or BAS users. Consequently, pursuant to Section 1.415 of the Commission's Rules,<sup>4</sup>

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<sup>1</sup>Further NPRM at ¶ 1.

<sup>2</sup>Further NPRM at ¶ 64.

<sup>3</sup>Further NPRM at ¶¶ 1, 6.

<sup>4</sup>47 C.F.R. §1.415 (1997). The Further NPRM was published in the Federal Register on April 22, 1997. 62 FR 19538.

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Alcatel Network Systems, Inc. ("Alcatel"),<sup>5</sup> by its attorneys, hereby comments on the Further NPRM to ensure that FS users are relocated in a manner that is consistent with the public interest.

The fundamental role that the FS play in supporting wireless networks and the National Information Infrastructure must be recognized. These terrestrial networks support the other telecommunications services that private and common carrier FS users provide, such as emergency, public health and safety services, and they support services for local exchange carriers, cellular licensees, utilities, railroads, petroleum companies, and financial institutions. Such needs are demonstrated by the number of businesses and governmental entities already employing FS for these services.

In the Further NPRM, the Commission proposes imposing specific requirements upon the licensees which displace FS licensees from the 2110-2130 MHz and 2165-2200 MHz bands. These requirements generally would follow the Commission's Emerging Technologies policies.<sup>6</sup> Moreover, the Commission proposes generally applying the same sunset period and good faith guidelines as those established in its Microwave Cost-Sharing proceeding.<sup>7</sup>

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<sup>5</sup>Alcatel is a major microwave, crossconnect and lightwave manufacturer. It is a wholly-owned subsidiary of Alcatel Alsthom, one of the world's largest corporations (with annual sales in excess of \$30 billion) and the world's largest manufacturer and supplier of telecommunications equipment. In particular, Alcatel Alsthom is the world's largest independent manufacturer and supplier of microwave radios. Formerly Collins Radio and Rockwell International, Alcatel, with over \$1 billion in annual sales, is a world leader in manufacturing microwave and lightwave transmission systems. Alcatel's equipment is used for a wide range of services, including short, medium and long-haul voice, video and data transmission. Its microwave customers include all the Bell Operating Companies, most major independent telephone companies, cellular operators, power and other utility companies, oil companies, railroads, industrial companies, and state and local government agencies.

<sup>6</sup>Further NPRM at ¶ 74.

<sup>7</sup>Further NPRM at ¶ 77.

In its comments on the Further NPRM, the Fixed Point-to-Point Communications Section, Network Equipment Division, of the Telecommunications Industry Association ("TIA"), generally supported adoption of the Commission's proposals. Specifically, TIA:

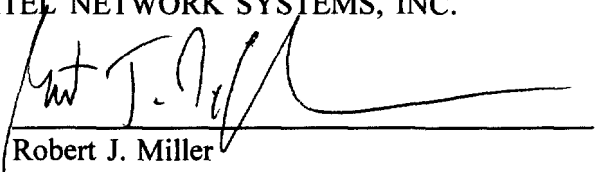
- Suggests that the Commission take into account that the frequency bands immediately above 5 GHz already are heavily congested by existing FS operations.
- Favors obligating the licensee requiring FS displacement to guarantee payment of all relocation expenses, to build the new microwave facilities at the new frequencies, and to demonstrate that the new facilities are comparable to the relocated facilities.
- Admonishes the Commission to recognize that Part 25 interference criteria are inappropriate for FS systems and to rely upon the TIA MSS/FS Joint Working Group for resolution of the MSS/FS compatibility and sharing issues.
- Recommends that the sunset date for relocation compensation should be at least 10 years after the beginning of the voluntary negotiation period.
- Urges the Commission to relocate FS users in the 2110-2145 MHz band (plus 5 MHz of guard band) and in the 2160-2180 MHz and 2180-2200 MHz bands before BAS operations are licensed in those bands.

Band sharing between FS and MSS or BAS users will not work. Now that the Commission has allocated spectrum for MSS, FS users accept the fact that they must be relocated. However, it is imperative that this dislocation occurs in a manner that does not compromise the integrity of critical FS operations. TIA's proposals accomplish these goals. Thus, Alcatel supports their adoption.

Respectfully submitted,

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